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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM USCHOLD, JOSE  
ALMENDAREZ, TIANA NAPLES, and TON  
SAECHAO, each individually and on behalf of  
others similarly situated,

Plaintiffs,

v.

CARRIAGE SERVICES, INC.,

Defendant.

Case No. 4:17-cv-04424-JSW (EDL)

**DECLARATION OF ANDREW L. CHANG  
IN SUPPORT OF DEFENDANT'S  
MOTION FOR MONETARY SANCTIONS**

Date: March 6, 2019  
Time: 9:00 a.m.  
Dept.: Courtroom E – 15<sup>th</sup> Floor  
Judge: Hon. Elizabeth D. Laporte

I, Andrew L. Chang, declare as follows:

1. I am an attorney licensed to practice law in the State of California and in all the courts thereof and am a partner in the law firm of Shook, Hardy & Bacon, L.L.P., attorneys for Defendant Carriage Services, Inc. The statements in this Declaration are made on the basis of my own

1 knowledge or, where stated, upon my information and belief, and I would competently testify  
2 thereto if called upon to do so.

3 2. Discovery in this action opened on May 3, 2018, upon completion of the Rule 26(f)  
4 conference.

5 3. On May 22, 2018, CSI served initial written discovery, including interrogatories and  
6 requests for production of documents, on each of the named Plaintiffs by mail, responses to which  
7 were therefore due on June 25, 2018. That same day, CSI also served notices of each Plaintiff's  
8 deposition with blank dates for the parties to confirm availability. Attached as **Exhibit 1** is a true  
9 and correct copy of the Certificate of Service of those documents.

10 4. By email dated June 18, 2018, Plaintiffs' counsel, Dominique Thomas, requested a  
11 two-week extension for responding to CSI's initial written discovery requests. That same day, I  
12 agreed to that extension, making such responses due on July 9, 2018. Attached as **Exhibit 2** is a  
13 true and correct copy of the relevant email correspondence. No responses were served by that date.

14 5. On July 11, 2018, I emailed Plaintiffs' counsel, Dominique Thomas and Na'il  
15 Benjamin, stating that CSI had not received Plaintiffs' responses to the discovery due on July 9 and  
16 requesting a courtesy copy be emailed to me. On a call that afternoon, Ms. Thomas stated no  
17 responses had been served but promised that responses would be served by July 18. No responses  
18 were served. On July 23, 2018, I again emailed Ms. Thomas and Mr. Benjamin stating responses  
19 had still not been received and requested a courtesy copy of the responses and proof of service by  
20 email immediately. Attached as **Exhibit 3** is a true and correct copy of the relevant email  
21 correspondence reflecting the communications on July 11 and 23.

22 6. On July 24, 2018, a new attorney for Plaintiffs, Brian Hawes, emailed me stating that  
23 he had been newly assigned to the case. That day, I responded to Mr. Hawes and Mr. Benjamin  
24 identifying "two particularly urgent issues," including preparation of the joint CMC statement and  
25 Plaintiffs' missing written-discovery responses. I requested confirmation whether responses had  
26 yet been served and, if not, I asked to schedule a meet-and-confer to, if necessary, prepare a joint  
27 discovery-dispute letter brief to be filed with the Court before the August 10, 2018 CMC. In a July  
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1 25, 2018 email, Mr. Hawes responded that he would check “on the outstanding issues [I] identified.”  
2 Attached as **Exhibit 4** is a true and correct copy of the relevant email correspondence reflecting the  
3 communications on July 24 and 25.

4 7. Plaintiffs’ counsel did not respond to my July 24, 2018 request to meet and confer  
5 about the missing responses. In the parties’ joint statement in advance of the initial CMC, CSI  
6 identified Plaintiffs’ continuing failure to serve responses to the initial written discovery and refusal  
7 to meet and confer regarding them. (*See* Dkt. 44)

8 8. In a series of emails between me and Mr. Benjamin on August 3, 2018 regarding the  
9 joint CMC statement due that day, Mr. Benjamin emailed stating that they were “aiming to confirm  
10 that discovery is going out today.” Mr. Benjamin also asked CSI to remove the discovery-dispute  
11 from the joint statement because “the issues will be moot before the CMC” and represented that  
12 responses would be served by August 10. Given the history of delay, CSI refused to remove the  
13 issue in the event Plaintiffs failed to serve responses. Attached as **Exhibit 5** is a true and correct  
14 copy of the relevant email correspondence reflecting those communications.

15 9. At the initial CMC on August 10, 2018, Plaintiffs’ counsel, Mr. Hawes, appeared and  
16 again represented both to me and the Court that CSI would receive Plaintiffs’ missing responses  
17 that day. I confirmed Mr. Hawes’ representations in an email to Mr. Hawes and Mr. Benjamin the  
18 same day, requesting courtesy copies by email. Again, without explanation or response to my  
19 request, Plaintiffs failed to serve its responses to CSI’s initial written discovery requests. On August  
20 13, I left a voicemail at Plaintiffs’ counsel’s office and also emailed Mr. Hawes and Mr. Benjamin  
21 again, noting CSI had not received the promised responses and requesting to schedule a call to meet  
22 and confer any time up through August 15 and asking for Plaintiffs’ availability. That day, Mr.  
23 Hawes left me a voicemail stating that he would check with Mr. Benjamin about the missing  
24 discovery. That evening, Mr. Benjamin emailed me stating he would “get an answer to [me] in the  
25 morning” (*i.e.*, on August 14) On August 15, 2018, I emailed Mr. Benjamin and Mr. Hawes, stating  
26 no answers had been provided as promised nor had Plaintiffs’ counsel provided any availability to  
27 meet and confer and, therefore, resolution by the Court appeared necessary. I also attached CSI’s  
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1 portion of a joint letter brief, requesting Plaintiffs' include their portions by noon on August 17 or  
2 CSI would file a separate letter. Attached as **Exhibit 6** is a true and correct copy of the relevant  
3 email correspondence between August 10 and 15, 2018. Attached as **Exhibit 7** is a true and correct  
4 copy of the draft letter brief I sent to Plaintiffs' counsel on August 15, 2018, in which CSI intended  
5 to request an order compelling Plaintiffs to respond to CSI's discovery without any objections,  
6 which had been waived by Plaintiffs' failure to timely respond.

7 10. On August 16, 2018, Plaintiffs' counsel served and emailed copies of responses to  
8 CSI's initial written discovery requests noting that required verifications from Plaintiffs Saechao  
9 and Naples would "follow." That evening, Mr. Hawes send me an email requesting that CSI "hold  
10 off on filing" its letter brief until I had a chance to review the responses served. Attached as **Exhibit**  
11 **8** is a true and correct copy of the relevant email correspondence. Verifications by Mr. Saechao and  
12 Ms. Naples, and a production of some documents, were sent to CSI's counsel on August 17.

13 11. CSI's counsel immediately began reviewing Plaintiffs' responses and production of  
14 documents and identified deficiencies therein. On August 17, 2018, I emailed Mr. Hawes and Mr.  
15 Benjamin asking to confer regarding deficiencies based on CSI's initial review, including that the  
16 responses were incomplete, did not provide information or documents requested without  
17 explanation, contained boilerplate objections (that had been waived) that prevented CSI from  
18 determining what materials were being withheld based on what objections, and that all objections  
19 have been waived in any event. Attached as **Exhibit 9** is a true and correct copy of the relevant  
20 email correspondence.

21 12. Mr. Hawes and CSI's counsel, including me and Jason Richardson, met and conferred  
22 telephonically that same day, primarily addressing whether Plaintiffs would withdraw the objections  
23 as waived. Attached as **Exhibit 10** is a true and correct copy of email correspondence that day  
24 confirming the subject of that call.

25 13. Mr. Hawes and I conferred again on August 22, 2018 and Mr. Hawes disputed CSI's  
26 position that Plaintiffs had waived attorney-client privilege and work product objections, but stated  
27 that Plaintiffs would serve supplemental responses withdrawing all other objections and identifying  
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1 what documents and information were being withheld on the basis of privilege or work product.  
2 Mr. Hawes refused to specify when Plaintiffs would serve those responses, stating only that he  
3 would have more information by August 31, 2018.

4 14. CSI waited weeks for those supplemental responses without any explanation from  
5 Plaintiffs. On September 6, 2018, I emailed Mr. Hawes and Mr. Benjamin noting Plaintiffs had not  
6 served the supplemental responses as promised nor indicated when those additional documents or  
7 responses would be served. I attached to that email, a draft discovery-dispute letter brief containing  
8 CSI's request that supplemental responses without objection be ordered. I stated that CSI would  
9 file it separately if Plaintiffs did not provide their position by September 12, 2018. Attached as  
10 **Exhibit 11** is a true and correct copy of my September 6, 2018 email. Attached as **Exhibit 12** is a  
11 true and correct copy of the draft brief attached to my September 6, 2018 email.

12 15. Plaintiffs ignored my September 6, 2018 email and the draft brief.

13 16. On September 13, 2018, I called and left Mr. Benjamin a voicemail informing him  
14 that CSI would file its portion of the letter brief separately as previously stated. Mr. Benjamin  
15 finally responded, asking to confer telephonically on September 14. Mr. Benjamin and I exchanged  
16 emails and spoke extensively on September 14. Mr. Benjamin represented that no documents were  
17 being withheld on the basis of privilege, specifically stating that he did not communicate in writing  
18 with his clients, and that he would provide supplemental responses to discovery making that clear.  
19 Attached as **Exhibit 13** is a true and correct copy of the relevant email correspondence.

20 17. Between September 17 and September 19, 2018, Plaintiffs served supplemental  
21 responses only as to CSI's requests for production of documents, ignoring CSI's interrogatories.

22 18. For almost two months, the same pattern followed. CSI's counsel repeatedly followed  
23 up on deficient responses to its requests for production of documents and the missing interrogatory  
24 responses. Plaintiffs would promise compliant responses, would miss self-imposed deadlines or  
25 serve deficient amended responses, requiring further review and follow-up by CSI's counsel.  
26 Attached as **Exhibit 14** is a true and correct copy of the relevant email correspondence reflecting  
27 those efforts from September 21 to November 14, 2018. As reflected in that correspondence, CSI's  
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1 counsel repeatedly emphasized that complete responses were necessary in order to conduct efficient  
2 depositions of Plaintiffs.

3 19. With discovery set to close on February 1, 2019 and notwithstanding continuing  
4 efforts to confer regarding Plaintiffs' written discovery responses, CSI eventually scheduled  
5 Plaintiffs' depositions for December 5, 2018 (William Uschold), December 6 (Jose Almendarez),  
6 December 18 (Ton Saechao), and December 19 (Tiana Naples). It took months for Plaintiffs to  
7 respond to CSI's repeated requests for their availability for deposition.

8 20. Attached as **Exhibit 15** are true and correct copies of the relevant pages of the  
9 transcript of Plaintiff William Uschold's deposition, taken on December 5, 2018.

10 21. Attached as **Exhibit 16** are true and correct copies of the relevant pages of the  
11 transcript of Plaintiff Jose Almendarez's deposition, taken on December 6, 2018.

12 22. After two consecutive days of depositions of the same misconduct despite repeated  
13 meet-and-confer efforts, given Plaintiffs' continuing failure to serve proper responses to the initial  
14 written discovery, and given testimony made clear that Plaintiffs' representations that no materials  
15 were being withheld on the grounds of privilege were false, CSI's counsel prepared yet another  
16 letter brief addressing both those issues. On December 13, 2018, CSI's counsel emailed CSI's  
17 portion of the brief to Plaintiffs, asking that they include their response so that it could be filed on  
18 December 17 at noon. Attached as **Exhibit 17** is a true and correct copy of that email, not including  
19 the draft letter brief, which was substantively identical to brief CSI filed (Dkt 51).

20 23. Plaintiffs' counsel ignored CSI's request to include Plaintiffs' position in the  
21 discovery letter brief. As a result, CSI filed a letter brief containing only its position on December  
22 18, 2018. Dkt. 51

23 24. Attached as **Exhibit 18** is a true and correct copy of the relevant pages of the transcript  
24 of Plaintiff Ton Saechao's deposition, taken on December 18, 2018.

25 25. Attached as **Exhibit 19** is a true and correct copy of the relevant pages of the transcript  
26 of Plaintiff Tiana Naples' deposition, taken on December 19, 2018.

26. I have reviewed the billing records of CSI's counsel, Shook, Hardy & Bacon L.L.P. ("Shook"), in this action, and confirm that CSI has (or will be) billed the following amounts for services and out-of-pocket expenses in connection with CSI's letter brief moving to compel responses, for which CSI seeks reimbursement from Plaintiffs on the accompanying motion for monetary sanction.

A) Costs and Fees Incurred in Securing the Discovery Order

**1. Chart of Fees for Securing Discovery Order**

As described below, to secure the Court's January 17, 2019 Order, CSI seeks reimbursement for fees incurred for 25.3 hours of time by Andrew Chang, 32.9 hours of time billed by Jason Richardson, and 0.4 hours billed by Ruby Darmstadt, a Senior Analyst, all of whom are at Shook. Reasonable hourly rates for that time actually incurred by CSI, as described further below, is \$445 for both Andrew Chang and Jason Richardson, and \$195 for Ruby Darmstadt.

Date	Time Spent (Hours)	Billor	Billing Entry
6/18/2018	0.2	Andrew Chang	Correspond with Ms. Thomas, Plaintiffs' counsel, regarding status of and request for extension to respond to discovery.
7/23/2018	0.3	Andrew Chang	Correspond with Plaintiffs' counsel requesting responses to discovery.
8/13/2018	0.3	Andrew Chang	Confer and correspond with Plaintiffs' counsel regarding status of discovery responses and preparation for mediation.
8/13/2018	2.1	Jason Richardson	Prepare letter brief regarding plaintiffs' failure to produce and serve responses to written discovery requests.
8/13/2018	0.7	Jason Richardson	Review Rule 37 standards and case law in preparation to draft letter brief regarding plaintiffs' failure to produce responses to written discovery requests
8/13/2018	0.5	Jason Richardson	Review and analyze meet and confer correspondence in preparation to draft letter brief regarding plaintiffs' failure to produce responses to discovery requests.

<b>Date</b>	<b>Time Spent (Hours)</b>	<b>Billor</b>	<b>Billing Entry</b>
8/14/2018	0.2	Andrew Chang	Further correspond with Plaintiffs' counsel regarding mediation and discovery.
8/14/2018	1.7	Jason Richardson	Revise and edit letter brief regarding plaintiffs' continuing refusal to respond to written discovery requests.
8/15/2018	1.3	Andrew Chang	Analyze and compile evidence to support joint letter brief regarding written-discovery dispute, revise same, and further correspond with Plaintiffs' counsel regarding same.
8/17/2018	2.8	Jason Richardson	Review and analyze documents produced by plaintiff William Uschold in response to requests for production of documents.
8/17/2018	0.8	Jason Richardson	Review and analyze plaintiffs' responses and objections to requests for production of documents and interrogatories
8/17/2018	0.3	Jason Richardson	Meet and confer with plaintiffs' counsel by phone regarding Plaintiffs' responses to requests for production of documents and interrogatories
8/19/2018	2.1	Jason Richardson	Review and analyze documents produced by Plaintiff Tiana E. Naples in response to written discovery requests
8/20/2018	1.9	Jason Richardson	Review and analyze documents produced by plaintiff Jose Almendarez in response to written discovery requests
8/20/2018	1.6	Jason Richardson	Review and analyze documents produced by plaintiff Ton Saechao in response to written discovery requests
8/22/2018	0.6	Andrew Chang	Confer with Plaintiffs' counsel, Mr Hawes, regarding discovery disputes, research and develop strategy regarding same.
8/27/2018	1.3	Jason Richardson	Review case law regarding relief from waiver following failure to respond to written discovery in preparation to draft joint letter brief to Court regarding Plaintiff's failure to respond to requests for admission and interrogatories.
8/28/2018	1.9	Jason Richardson	Prepare joint letter brief to be submitted to court regarding discovery dispute.



<b>Date</b>	<b>Time Spent (Hours)</b>	<b>Billor</b>	<b>Billing Entry</b>
9/6/2018	1.8	Andrew Chang	Analyze status of discovery dispute and mediation, revise letter brief, and correspond with Plaintiffs' counsel regarding same.
9/13/2018	1.3	Andrew Chang	Develop strategy and confer and correspond with Plaintiffs' counsel regarding discovery disputes.
9/14/2018	1.7	Andrew Chang	Confer and correspond with Mr. Benjamin regarding discovery dispute.
9/18/2018	1.2	Andrew Chang	Analyze Plaintiffs' responses and develop strategy regarding further disputes on same.
9/19/2018	1.4	Andrew Chang	Further analyze and correspond with Plaintiffs' counsel regarding amended discovery responses.
9/21/2018	1.8	Andrew Chang	Analyze deficiencies regarding discovery responses, develop strategy regarding same, and correspond with Plaintiffs' counsel regarding same.
10/5/2018	2.6	Andrew Chang	Analyze responses and status of discovery and mediation and correspond with Plaintiffs' counsel regarding same.
10/10/2018	0.4	Andrew Chang	Further correspond with Mr. Benjamin regarding mediation and discovery.
10/16/2018	0.2	Andrew Chang	Correspond with Mr. Benjamin regarding mediation and discovery issues
10/25/2018	1.1	Jason Richardson	Review previously served discovery and responses in preparation for further meet and confer attempts with opposing counsel.
10/25/2018	0.5	Jason Richardson	Meet and confer with opposing counsel by email regarding status of written discovery responses from plaintiffs.
11/12/2018	0.8	Jason Richardson	Prepare meet and confer correspondence to be sent to plaintiffs' counsel regarding outstanding written discovery requests.
11/13/2018	1.1	Jason Richardson	Prepare meet and confer correspondence to plaintiffs' counsel regarding status of plaintiffs' amended responses to interrogatories and requests for production

<b>Date</b>	<b>Time Spent (Hours)</b>	<b>Billor</b>	<b>Billing Entry</b>
12/10/2018	1.2	Jason Richardson	Review discovery case law and standards in preparation to draft letter brief to court regarding plaintiff's counsel's discovery misconduct at deposition.
12/10/2018	2.3	Jason Richardson	Prepare letter brief to court regarding plaintiff's counsel's deposition misconduct.
12/11/2018	3.1	Jason Richardson	Prepare letter brief to send to court regarding plaintiffs' counsel's misconduct at deposition and failure to produce documents requested through written discovery.
12/12/2018	0.8	Andrew Chang	Revise letter brief regarding discovery disputes and confer and correspond with Mr. Richardson regarding same.
12/12/2018	2	Jason Richardson	Revise and edit joint letter brief to be submitted to court regarding plaintiffs' counsel's deposition misconduct and failure to provide required documents in response to written discovery requests.
12/13/2018	0.3	Jason Richardson	Meet and confer via email with opposing counsel regarding letter brief to be filed regarding plaintiffs' counsel's conduct at deposition and failure to provide documents requested through discovery.
12/14/2018	0.7	Jason Richardson	Review and analyze deposition transcript of Plaintiff Jose Almendarez in preparation to include excerpts in joint letter brief to court.
12/17/2018	0.6	Jason Richardson	Review rough draft of deposition transcript of plaintiff William Uschold in preparation to provide letter brief concerning discovery dispute to court.
12/17/2018	0.3	Jason Richardson	Communicate with opposing counsel regarding draft joint letter brief concerning discovery dispute.
12/26/2018	0.3	Jason Richardson	Review order of magistrate Judge Laporte regarding ongoing discovery dispute and plaintiffs' failure to file response.

Date	Time Spent (Hours)	Billor	Billing Entry
12/28/2018	0.6	Jason Richardson	Review and analyze plaintiffs' counsel communications regarding further briefing ordered by the court concerning discovery dispute.
1/7/2019	6.7	Andrew Chang	Analyze plaintiffs' deposition transcripts, discovery responses, and document productions regarding issues requested by Court's order for discovery-dispute reply brief, research to support same, and draft reply brief in support of discovery disputes.
1/8/2019	2.1	Andrew Chang	Further analyze Plaintiffs' prior discovery, disclosures, representations, and transcripts, and revise discovery-dispute reply letter brief.
1/8/2019	0.3	Jason Richardson	Review and analyze draft reply brief in support of discovery motion concerning plaintiffs' failure to produce documents and conduct at deposition.
1/9/2019	0.4	Andrew Chang	Finalize discovery-dispute reply letter brief for filing.
1/9/2019	0.4	Ruby Darmstadt	Oversee filing and service of discovery reply letter brief and coordinate chambers delivery of same.

## 2. Out-of-Pocket Expenses for Securing the Discovery Order

To secure the Court's January 17, 2019 Order, CSI seeks recovery of \$85.00 incurred for the cost of the service used to lodge chambers copies of its January 9, 2019 discovery-dispute reply letter brief.

## 3. Total Amount Sought for Securing the Discovery Order

The total fees for the amounts reflected in the above chart are \$11,258.50 for Andrew Chang's time (25.3 hours x \$445.00); \$14,640.50 for Jason Richardson's time (32.9 hours x \$445.00); and \$78.00 for Ms. Darmstadt's time (0.4 hours x \$195.00), which equals \$25,977.00. Including the \$85.00 for out-of-pocket expenses brings that total to \$26,062.00.

B) Costs and Fees Incurred in Preparing For and Taking “Frustrated” Depositions of Plaintiffs

**1. Fees for Preparing and Taking Depositions of Named Plaintiffs**

As described below, to prepare for and take the depositions of Plaintiffs William Uschold, Jose Almendarez, Ton Saechao, and Tiana Naples, CSI incurred fees for 49.3 hours of time spent by Jason Richardson of Shook.

Date	Time Spent (Hours)	Billor	Billing Entry
11/27/2018	3.2	Jason Richardson	Plan and prepare to conduct deposition of Plaintiff William Uschold.
11/28/2018	4.1	Jason Richardson	Plan and prepare to conduct deposition of plaintiff Ton Saechao.
11/28/2018	4.7	Jason Richardson	Plan and prepare to conduct deposition of Plaintiff Jose Almendarez.
11/29/2018	3.1	Jason Richardson	Plan and prepare to conduct deposition of plaintiff Tiana Naples.
12/4/2018	0.8	Jason Richardson	Review untimely produced tax documents for plaintiff William Uschold.
12/5/2018	9.5	Jason Richardson	Conduct deposition of plaintiff William Uschold.
12/5/2018	0.7	Jason Richardson	Review untimely produced tax records produced by plaintiff Jose Almendarez.
12/6/2018	6.8	Jason Richardson	Take deposition of plaintiff Jose Almendarez.
12/18/2018	8.8	Jason Richardson	Prepare for and conduct deposition of lead plaintiff Ton Saechao.
12/19/2018	7.6	Jason Richardson	Conduct deposition of lead plaintiff Tiana Naples.

**2. Out-of-Pocket Expenses for Preparing and Taking Depositions of Named Plaintiffs**

CSI seeks recovery for a portion of the \$12,811.19 in out-of-pocket expenses it incurred to take the depositions of Plaintiffs, as follows: \$2,281.25 for the costs of the court reporter, videographer, and transcripts of Ms. Naple’s deposition; \$2,548.80 for the costs of the court reporter, videographer, and transcripts of Mr. Saechao’s deposition; \$3,233.41 for the costs of the

1 court reporter, videographer, and transcripts of Mr. Almendarez's deposition; and \$4,747.73 for the  
2 costs of the court reporter, videographer, and transcripts of Mr. Uschold's deposition. Attached as  
3 **Exhibit 20** is a true and correct copy of the invoices for these costs.

4 **3. Total Amount Sought for Preparing and Taking Depositions of Named**  
5 **Plaintiffs**

6 To prepare and take the frustrated depositions, the total fees for the amounts reflected in the  
7 above chart are \$21,938.50 for Jason Richardson's time (49.3 hours x \$445.00). Including the  
8 \$12,811.19 for out-of-pocket expenses brings that total to \$34,749.69. In recognition of the fact  
9 that these depositions were of some value, CSI seeks only 75% of the total costs and fees incurred,  
10 equaling \$26,062.26.

11 C) Costs Incurred in Preparing this Motion for Sanctions

12 As of the date this declaration is drafted, the total charge to date for the preparation of this  
13 Motion for Sanctions is \$7,787.50, reflecting 17.5 hours of Andrew Chang's time.

14 27. As to the reasonableness of hourly rates charged and claimed in connection with the  
15 sanctions:

16 A) Andrew L. Chang is a Partner at Shook and was involved in every aspect of  
17 the discovery disputes in this action. Mr. Chang graduated from Duke University School of Law in  
18 2002. He has been admitted and practiced in California for over 16 years. His career has focused  
19 on complex, multi-party litigation and class actions, including employment matters.

20 B) Jason M. Richardson is an Associate at Shook and the primary associate in  
21 this action. Mr. Richardson graduated from the University of California Berkeley School of Law  
22 in 2007. He has been admitted and practiced in California for over 11 years. He has been involved  
23 in all aspects of the discovery in this case and was responsible for taking all four of the depositions  
24 that were at issue in CSI's motion to compel.

25 C) Ruby Darmstadt is a Senior Analyst at Shook. She received her paralegal  
26 certificate in 2002 and has worked as an Analyst and then Senior Analyst at Shook for over 15 years.

1 D) For this case, Shook's hourly rates charged to CSI are: \$445.00 per hour for  
2 both Jason Richardson and Andrew Chang, and \$195.00 per hour for Ruby Darmstadt.

3 E) Attached as **Exhibit 21** is a true and correct copy of the USAO Attorney's  
4 Fees Matrix – 2015-2019 (also available at <https://www.justice.gov/usao-dc/civil-division>), which  
5 is a “matrix of hourly rates for attorneys of varying experience levels” that “has been prepared by  
6 the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to  
7 evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is  
8 intended for use in cases in which a fee-shifting statute permits the prevailing party to recover  
9 ‘reasonable’ attorney's fees.” Pursuant to that matrix, a reasonable hourly rate for Andrew Chang  
10 as an attorney with over 16 years of experience is \$544 and a reasonable hourly rate for Jason  
11 Richards as an attorney with 11 years of experience is \$491. Both exceed the rates being sought by  
12 CSI here.

13 F) The hourly rates are also either consistent with, or lower, than the rates found  
14 by Courts in this district to be reasonable for attorneys and paralegals with similar levels of  
15 experience in the San Francisco Bay Area. *See, e.g., Trujillo v. Orozco*, No. 5:17-cv-00566, 2018  
16 WL 1142311, \*3 (N.D. Cal. Mar. 2, 2018) (collective cases).

17 G) Plaintiffs' counsel Na'il Benjamin has previously sought sanctions against  
18 CSI in this action (which the Court denied) asserting an hourly rate of \$500 per hour, higher than  
19 the rate sought by CSI here. *See* Dkt. 60 at p. 4. Mr. Benjamin was admitted to California in 2005  
20 (*see* <http://members.calbar.ca.gov/fal/Licensee/Detail/240354>), placing him between Mr. Chang  
21 and Mr. Richardson in terms of years of experience.

22 I declare under penalty of perjury, under the laws of the State of California and the United  
23 States, that the foregoing is true and correct. Executed this 30<sup>th</sup> day of January, 2019 in San  
24 Francisco, California.

25 /s/ Andrew L. Chang  
26 ANDREW L. CHANG  
27  
28